

*cc: dda*  
GLENN D. CHOY Hawaii Bar #1985  
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Attorney for Defendant

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 24 2006

at 10 o'clock and 24 min. M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00248 DAE
	)	
Plaintiff,	)	NOTICE OF HEARING
	)	MOTION; MOTION TO
v.	)	CONTINUE SENTENCING;
	)	DECLARATION OF COUNSEL;
SAMUEL K. KAAUWAI, III,	)	EXHIBIT; CERTIFICATE
	)	OF SERVICE
Defendant.	)	
	)	Date:
	)	Time:
	)	Judge:

NOTICE OF HEARING MOTION

TO: Assistant U.S. Attorney Marshall Silverberg  
Room 6100, Prince Jonah K. Kuhio Bldg.  
300 Ala Moana Blvd., Room 6-100  
Honolulu, Hawaii 96850  
Attorney for Plaintiff

PLEASE TAKE NOTICE that the attached motion will be heard before the Honorable \_\_\_\_\_, Judge of the above-entitled court, in his courtroom at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii on \_\_\_\_\_, \_\_\_\_\_, 2006, at \_\_\_\_\_ a.m./p.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, April 24, 2006.

*Glenn D. Choy*  
\_\_\_\_\_  
GLENN D. CHOY  
Attorney for Defendant

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

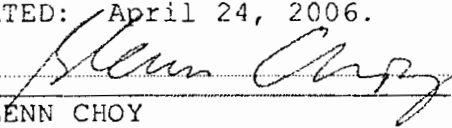
UNITED STATES OF AMERICA,	)	CR. NO. 03-00248 DAE
	)	
Plaintiff,	)	MOTION TO
	)	CONTINUE SENTENCING
v.	)	
	)	
SAMUEL K. KAAUWAI, III,	)	
	)	
Defendant.	)	
_____	)	

MOTION TO CONTINUE SENTENCING

COMES NOW Defendant SAMUEL K. KAAUWAI, III, by and through his court-appointed attorney, GLENN D. CHOY and hereby moves this Honorable Court to enter an Order continuing sentencing from the presently-set date of May 25, 2006 at 1:30 p.m., to enable Defendant to complete courses at Federal Detention Center.

This motion is based on FRCrP 12(b), the attached Declaration of Counsel attached hereto and made a part hereof, and such argument as may be made at hearing.

DATED: April 24, 2006.

  
\_\_\_\_\_  
GLENN CHOY  
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00248 DAE
	)	
Plaintiff,	)	DECLARATION OF COUNSEL
	)	
v.	)	
	)	
SAMUEL K. KAAUWAI, III,	)	
	)	
Defendant.	)	
_____	)	

DECLARATION OF COUNSEL

I, Glenn Choy, declare that:

1. Declarant is the attorney for Defendant SAMUEL K. KAAUWAI, III, in the captioned matter; Defendant is presently confined at the Federal Detention Center [ FDC] Honolulu;

2. Sentencing is presently scheduled for May 25, 2006 at 1:30 p.m.

3. On information and belief, Declarant further states:

a. Defendant signed out for FDC study

material for the GED exam, which will be offered in June and September 2006; the exam is comprised of three parts, i.e., math, science, and reading and writing; Defendant intends to take the exam in June 2006, but is unsure of passing all three parts, and is aiming to pass all three parts by the September exam;

b. Defendant enrolled in the Anger/Stress class in late March 2006; he believes that that course ends in late August or early September 2006;

4. Defendant desires to take and complete the mentioned courses, to better himself, to improve his employment prospects, and to apply upon his release from detention;

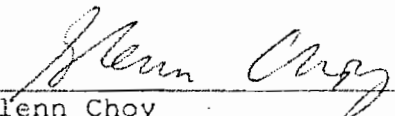
5. A continuance will enable Defendant to engage in course work that will help him substantially in his pursuit of self-improvement and will reinforce his pro-social skills and motivations;

6. Declarant has spoken with Assistant U.S. Attorney Marshall Silverberg regarding the instant request; Mr. Silverberg led Declarant to believe that he was not opposed to the instant motion;

7. The instant request is not intended as a means of delay; a continuance of sentencing is requested in good faith for the foregoing reasons;

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON MAY 24, 2006.

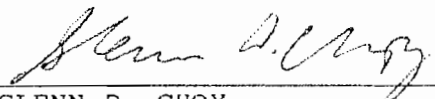
  
\_\_\_\_\_  
Glenn Choy  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of  
the foregoing document was duly mailed and/or hand-  
delivered to the following on the date of filing:

MARSHALL SILVERBERG  
Assistant United States Attorney  
PJKK Federal Building  
300 Ala Moana Boulevard, Room 6100  
Honolulu, Hawaii 96813  
Attorney for Plaintiff  
UNITED STATES OF AMERICA

DATED: Honolulu, Hawaii, May 24, 2006.

  
\_\_\_\_\_  
GLENN D. CHOY  
Attorney for Defendant

**Abing, Cheri (USAHI)**

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**From:** hid\_resp@hid.uscourts.gov  
**Sent:** Monday, April 24, 2006 1:23 PM  
**To:** hawaii\_cmecf@hid.uscourts.gov  
**Subject:** Activity in Case 1:03-cr-00248-DAE USA v. Kaauwai "Motion to Continue "

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**U.S. District Court**

**District of Hawaii - CM/ECF V2.5 (11/05)**

**Notice of Electronic Filing**

The following transaction was received from Glenn D. Choy entered on 4/24/2006 at 1:23 PM HST and filed on 4/24/2006

**Case Name:** USA v. Kaauwai  
**Case Number:** 1:03-cr-248  
**Filer:** Dft No. 1 - Samuel M. Kaauwai, III  
**Document Number:** 45

**Docket Text:**

MOTION to Continue Sentencing by Samuel M. Kaauwai, III. (Attachments: # (1) Motion to Continue# (2) Declaration of Counsel# (3) certificate of service)(gls, )

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-0]  
[9c17a042f3828bd2d60158f3dc6ee7b6bb029bb524e8a0b43e3848301fb80065c3289  
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**Document description:** Motion to Continue

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-1]  
[4b4b5866932d5a801904b5ce3be1952f064df7561d54a3eb98a2656f3a34f6f6622fd  
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**Document description:**Declaration of Counsel

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-2]  
[a253e6ee7373c3561ff9e13912d29c5c00aaf560adb2f5dadb1fc4dd7562ce8703aa7  
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**Document description:** certificate of service

4/26/2006

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1095854936 [Date=4/24/2006] [FileNumber=72301-3]  
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**1:03-cr-248-1 Notice will be electronically mailed to:**

Glenn D. Choy choyhawaii@hawaiiantel.net

Marshall H Silverberg marshall.silverberg@usdoj.gov, cheri.abing@usdoj.gov;  
USAHI.ECFMajorCrimes@usdoj.gov

**1:03-cr-248-1 Notice will be delivered by other means to:**